



**Request for City Council Committee Action  
From the City Attorney's Office**

Date: January 24, 2002  
To: Ways & Means/Budget Committee  
Referral to: None

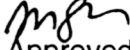
Subject: Turner, et al. v. City of Minneapolis and John Caston

**Recommendation:** That the City Council approves the settlement of this case in the amount of \$50,000, payable to Schwebel, Goetz & Sieben Trust Account, from Fund/Org 6900 150 1500 2800.

**Previous Directives:** Authorization from full City Council during a May 18, 2001 closed session to settle the pending litigation in a recommended range.

Prepared by: Burt T. Osborne, Assistant City Attorney

Phone: 673-2067

Approved by:   
Jay M. Heffern  
City Attorney

Presenter in Committee: Jay M. Heffern

**Financial Impact** (Check those that apply)

- ☐ No financial impact - or - Action is within current department budget at this time.  
(If checked, go directly to Background/Supporting Information)
- ☐ Action requires an appropriation increase to the Capital Budget
- ☐ Action requires an appropriation increase to the Operating Budget
- ☐ Action provides increased revenue for appropriation increase
- ☐ Action requires use of contingency or reserves
- ☒ Other financial impact (Explain): Payment from Fund/Org. 6900 150 1500 2800
- ☐ Request provided to the Budget Office when provided to the Committee Coordinator

**Community Impact:**

City Goals: Build Community

**Background/Supporting Information Attached**

The Plaintiffs in the above-captioned matter are the surviving children and parents of Gardenia Turner who was found dead at the scene of a fire early in 2001. Upon the discovery of her corpse at the scene, John Caston, formerly a Captain on the

Minneapolis Fire Department, posed for a photograph by Ms. Turner's body. The photograph is highly offensive and shocking, and the Fire Department demoted Captain Caston to the rank of firefighter after an investigation into his misconduct. Mr. Caston resigned from the Fire Department shortly after his demotion.

Upon receiving a notice of intent to sue from the family members of Ms. Turner, represented by Schwebel, Goetz & Sieben, the City Council provided direction to the City Attorney's Office to attempt to settle the matter prior to suit being filed in district court. The parties have tentatively settled the matter for \$50,000, pursuant to the prior directive from the City Council, and the amount is within the range authorized by the City Council.

Based on the probable high costs of defense and indemnification for Mr. Caston, and based on the inflammatory nature of the facts underlying the legal claims, the City Attorney's Office recommends approval of the tentative settlement. The draft should be made payable to the Turners' law firm, mentioned above, because minor settlement approval actions will have to be initiated in district court to approve the use of the funds for the minor plaintiffs.